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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PENDING APPLICATION**Docket Number (Optional)
38-21(52743)B

In re Application of: Jindong, Sun et al.

Application No.: 10/783,710

Filed: February 21, 2004

For: Transgenic Plants

The owner*, Monsanto Technology, LLC, of 100% percent interest in the instant application hereby disclaims, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application No. 10/870,198, filed on June 16, 2004 as such term is defined in **35 U.S.C. 154 and 173**, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner of the instant application waives the right to separately enforce any patent granted on the instant application and any patent granted on the **reference** application. The owner of the instant application hereby agrees that any patent granted on the instant application and any patent granted on the **reference** application shall be enforceable only for and during such period that the instant application and the **reference** application are not separately enforced. The waiver, and this agreement, run with any patent granted on the instant application and any patent granted on the **reference** application, and are binding upon the owner of the instant application, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the **reference** application, "as the term of any patent granted on the **reference** application is presently shortened by any terminal disclaimer," in the event that any patent granted on the **reference** application later:

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- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 56,991



Signature

August 11, 2009
DateCharles P. Romano
Typed or printed name314-552-6255
Telephone Number

- ☒ Terminal disclaimer fee of \$65.00 under 37 CFR 1.20(d) is included. The Commissioner is hereby authorized to charge Deposit Acct. No. 200823 for this fee. A duplicate copy of this document is included for that purpose.

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